

AMENDED IN ASSEMBLY AUGUST 20, 2012

AMENDED IN ASSEMBLY JUNE 20, 2012

AMENDED IN SENATE MAY 30, 2012

AMENDED IN SENATE APRIL 25, 2012

AMENDED IN SENATE APRIL 11, 2012

SENATE BILL

No. 1210

Introduced by Senator Lieu

February 22, 2012

An act to amend Sections 1202.45, 1214, and 2085.5 of the Penal Code, and to amend Section 19280 of the Revenue and Taxation Code, relating to criminal fines and penalties, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1210, as amended, Lieu. Collection of criminal fines and penalties.

(1) Under existing law, in every case where a person is convicted of a crime and whose sentence includes parole, the court is required to assess a parole revocation fine, as specified, for deposit into the Restitution Fund in the State Treasury.

This bill would require the court to assess an additional postrelease community supervision revocation restitution fine or mandatory supervision revocation restitution fine in every case where a person is convicted of a crime and is subject to postrelease community supervision or mandatory supervision, for deposit into the Restitution Fund in the State Treasury, a continuously appropriated fund. Because the bill creates a new source of revenue for deposit into the Restitution Fund, the bill would make an appropriation.

(2) Existing law generally provides that in any case in which a defendant is ordered to pay restitution, the order to pay restitution shall be deemed a money judgment that is fully enforceable by the victim as if the restitution order were a civil judgment, and any portion of the restitution order that remains unsatisfied after a defendant is no longer on probation or parole is enforceable by the victim, as specified.

This bill would also specify that any portion of a restitution order that remains unsatisfied after a defendant is no longer on postrelease community supervision or mandatory supervision is enforceable by the victim pursuant to those provisions.

(3) Existing law requires the Department of Corrections and Rehabilitation to deduct and retain certain funds from the wages, trust account deposits, or settlement or trial awards of a prisoner for the payment of certain fees and fines, including restitution orders, restitution fines, and specified administrative fees, and also authorizes the department to collect funds from a parolee for the payment of restitution orders and fines, unless prohibited by federal law. Under existing law, these funds are required to be deposited in the Restitution Fund in the State Treasury.

This bill would specify that, when a prisoner is punished by imprisonment in a county jail for a felony, an agency designated by the county board of supervisors is authorized to deduct and retain those funds, and would also authorize that agency to collect funds from a parolee. The bill would require these agencies to transfer these funds for deposit in the Restitution Fund, or would permit direct payment to the victim. *If the board of supervisors designates the county sheriff as the collecting agency, the bill would require the board of supervisors to first obtain the concurrence of the county sheriff.*

(4) Existing law authorizes delinquent fines, state or local penalties, forfeitures, restitution fines and orders, and any other amounts imposed by a superior court upon a person or entity for criminal offenses, that total at least \$100 in the aggregate, to be referred by the superior court, the county, or the state to the Franchise Tax Board for collection.

This bill would also authorize the referral of delinquent fines, state and local penalties, forfeitures, restitution fines and orders, and other amounts imposed by a juvenile court to the board for collection.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1202.45 of the Penal Code is amended
2 to read:

3 1202.45. (a) In every case where a person is convicted of a
4 crime and his or her sentence includes a period of parole, the court
5 shall, at the time of imposing the restitution fine pursuant to
6 subdivision (b) of Section 1202.4, assess an additional parole
7 revocation restitution fine in the same amount as that imposed
8 pursuant to subdivision (b) of Section 1202.4.

9 (b) In every case where a person is convicted of a crime and is
10 subject to either postrelease community supervision under Section
11 3451 or mandatory supervision under subparagraph (B) of
12 paragraph (5) of subdivision (h) of Section 1170, the court shall,
13 at the time of imposing the restitution fine pursuant to subdivision
14 (b) of Section 1202.4, assess an additional postrelease community
15 supervision revocation restitution fine or mandatory supervision
16 revocation restitution fine in the same amount as that imposed
17 pursuant to subdivision (b) of Section 1202.4, that may be collected
18 by the agency designated *pursuant to subdivision (b) of Section*
19 *2085.5* by the board of supervisors of the county in which the
20 prisoner is incarcerated.

21 (c) The fines imposed pursuant to subdivisions (a) and (b) shall
22 not be subject to penalty assessments authorized by Section 1464
23 or Chapter 12 (commencing with Section 76000) of Title 8 of the
24 Government Code, or the state surcharge authorized by Section
25 1465.7, and shall be suspended unless the person's parole,
26 postrelease community supervision, or mandatory supervision is
27 revoked. Fine moneys shall be deposited in the Restitution Fund
28 in the State Treasury.

29 SEC. 2. Section 1214 of the Penal Code is amended to read:

30 1214. (a) If the judgment is for a fine, including a restitution
31 fine ordered pursuant to Section 1202.4, 1202.44, or 1202.45, or
32 Section 1203.04 as operative on or before August 2, 1995, or
33 Section 13967 of the Government Code, as operative on or before
34 September 28, 1994, with or without imprisonment, or a diversion
35 restitution fee ordered pursuant to Section 1001.90, the judgment
36 may be enforced in the manner provided for the enforcement of
37 money judgments generally. Any portion of a restitution fine or
38 restitution fee that remains unsatisfied after a defendant is no longer

1 on probation, parole, postrelease community supervision pursuant
2 to Section 3451, mandatory supervision under subparagraph (B)
3 of paragraph (5) of subdivision (h) of Section 1170, or has
4 completed diversion is enforceable by the California Victim
5 Compensation and Government Claims Board pursuant to this
6 section. Notwithstanding any other provision of law prohibiting
7 disclosure, the state, as defined in Section 900.6 of the Government
8 Code, a local public entity, as defined in Section 900.4 of the
9 Government Code, or any other entity, may provide the California
10 Victim Compensation and Government Claims Board any and all
11 information to assist in the collection of unpaid portions of a
12 restitution fine for terminated probation or parole cases, or of a
13 restitution fee for completed diversion cases. For purposes of the
14 preceding sentence, “state, as defined in Section 900.6 of the
15 Government Code,” and “any other entity” shall not include the
16 Franchise Tax Board. A local collection program may continue to
17 enforce ~~victim~~ restitution orders once a defendant is no longer on
18 probation, postrelease community supervision, or mandatory
19 supervision.

20 (b) In any case in which a defendant is ordered to pay restitution,
21 the order to pay restitution (1) is deemed a money judgment if the
22 defendant was informed of his or her right to have a judicial
23 determination of the amount and was provided with a hearing,
24 waived a hearing, or stipulated to the amount of the restitution
25 ordered, and (2) shall be fully enforceable by a victim as if the
26 restitution order were a civil judgment, and enforceable in the same
27 manner as is provided for the enforcement of any other money
28 judgment. Upon the victim’s request, the court shall provide the
29 victim in whose favor the order of restitution is entered with a
30 certified copy of that order and a copy of the defendant’s disclosure
31 pursuant to paragraph (5) of subdivision (f) of Section 1202.4,
32 affidavit or information pursuant to paragraph (6) of subdivision
33 (f) of Section 1202.4, or report pursuant to paragraph (8) of
34 subdivision (f) of Section 1202.4. The court also shall provide this
35 information to the district attorney upon request in connection with
36 an investigation or prosecution involving perjury or the veracity
37 of the information contained within the defendant’s financial
38 disclosure. In addition, upon request, the court shall provide the
39 California Victim Compensation and Government Claims Board
40 with a certified copy of any order imposing a restitution fine or

order and a copy of the defendant's disclosure pursuant to paragraph (5) of subdivision (f) of Section 1202.4, affidavit or information pursuant to paragraph (6) of subdivision (f) of Section 1202.4, or report pursuant to paragraph (8) of subdivision (f) of Section 1202.4. A victim shall have access to all resources available under the law to enforce the restitution order, including, but not limited to, access to the defendant's financial records, use of wage garnishment and lien procedures, information regarding the defendant's assets, and the ability to apply for restitution from any fund established for the purpose of compensating victims in civil cases. Any portion of a restitution order that remains unsatisfied after a defendant is no longer on probation, parole, postrelease community supervision under Section 3451, or mandatory supervision imposed pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170 is enforceable by the victim pursuant to this section. Victims and the California Victim Compensation and Government Claims Board shall inform the court whenever an order to pay restitution is satisfied. A local collection program may continue to enforce victim restitution orders once a defendant is no longer on probation, postrelease community supervision, or mandatory supervision.

(c) Except as provided in subdivision (d), and notwithstanding the amount in controversy limitation of Section 85 of the Code of Civil Procedure, a restitution order or restitution fine that was imposed pursuant to Section 1202.4 in any of the following cases may be enforced in the same manner as a money judgment in a limited civil case:

- (1) In a misdemeanor case.
- (2) In a case involving violation of a city or town ordinance.
- (3) In a noncapital criminal case where the court has received a plea of guilty or nolo contendere.

(d) Chapter 3 (commencing with Section 683.010) of Division 1 of Title 9 of Part 2 of the Code of Civil Procedure shall not apply to any of the following:

- (1) A judgment for any court-ordered fines, forfeitures, penalties, fees, or assessments.
- (2) Any restitution fine or restitution order imposed pursuant to Section 1202.4, 1202.44, or 1202.45, or Section 1203.04, as operative on or before August 2, 1995, or Section 13967 of the Government Code, as operative on or before September 28, 1994.

1 (3) Any diversion restitution fee ordered pursuant to Section
2 1001.90.

3 SEC. 3. Section 2085.5 of the Penal Code is amended to read:

4 2085.5. (a) In any case in which a prisoner owes a restitution
5 fine imposed pursuant to subdivision (a) of Section 13967 of the
6 Government Code, as operative prior to September 28, 1994,
7 subdivision (b) of Section 730.6 of the Welfare and Institutions
8 Code, or subdivision (b) of Section 1202.4, the Secretary of the
9 Department of Corrections and Rehabilitation shall deduct a
10 minimum of 20 percent or the balance owing on the fine amount,
11 whichever is less, up to a maximum of 50 percent from the wages
12 and trust account deposits of a prisoner, unless prohibited by
13 federal law, and shall transfer that amount to the California Victim
14 Compensation and Government Claims Board for deposit in the
15 Restitution Fund in the State Treasury. Any amount so deducted
16 shall be credited against the amount owing on the fine. The
17 sentencing court shall be provided a record of the payments.

18 (b) (1) When a prisoner is punished by imprisonment in a
19 county jail pursuant to subdivision (h) of Section 1170, in any case
20 in which a prisoner owes a restitution fine imposed pursuant to
21 subdivision (a) of Section 13967 of the Government Code, as
22 operative prior to September 28, 1994, subdivision (b) of Section
23 730.6 of the Welfare and Institutions Code, or subdivision (b) of
24 Section 1202.4, the agency designated by the board of supervisors
25 in the county where the prisoner is incarcerated is authorized to
26 deduct a minimum of 20 percent or the balance owing on the fine
27 amount, whichever is less, up to a maximum of 50 percent from
28 the county jail equivalent of wages and trust account deposits of
29 a prisoner, unless prohibited by federal law, and shall transfer that
30 amount to the California Victim Compensation and Government
31 Claims Board for deposit in the Restitution Fund in the State
32 Treasury. Any amount so deducted shall be credited against the
33 amount owing on the fine. The sentencing court shall be provided
34 a record of the payments.

35 (2) *If the board of supervisors designates the county sheriff as*
36 *the collecting agency, the board of supervisors shall first obtain*
37 *the concurrence of the county sheriff.*

38 (c) In any case in which a prisoner owes a restitution order
39 imposed pursuant to subdivision (c) of Section 13967 of the
40 Government Code, as operative prior to September 28, 1994,

subdivision (h) of Section 730.6 of the Welfare and Institutions Code, or subdivision (f) of Section 1202.4, the Secretary of the Department of Corrections and Rehabilitation shall deduct a minimum of 20 percent or the balance owing on the order amount, whichever is less, up to a maximum of 50 percent from the wages and trust account deposits of a prisoner, unless prohibited by federal law. The secretary shall transfer that amount to the California Victim Compensation and Government Claims Board for direct payment to the victim, or payment shall be made to the Restitution Fund to the extent that the victim has received assistance pursuant to that program. The sentencing court shall be provided a record of the payments made to victims and of the payments deposited to the Restitution Fund pursuant to this subdivision.

(d) When a prisoner is punished by imprisonment in a county jail pursuant to subdivision (h) of Section 1170, in any case in which a prisoner owes a restitution order imposed pursuant to subdivision (c) of Section 13967 of the Government Code, as operative prior to September 28, 1994, subdivision (h) of Section 730.6 of the Welfare and Institutions Code, or subdivision (b) of Section 1202.4, the agency designated by the board of supervisors in the county where the prisoner is incarcerated is authorized to deduct a minimum of 20 percent or the balance owing on the order amount, whichever is less, up to a maximum of 50 percent from the county jail equivalent of wages and trust account deposits of a prisoner, unless prohibited by federal law. The agency shall transfer that amount to the California Victim Compensation and Government Claims Board for direct payment to the victim, or payment shall be made to the Restitution Fund to the extent that the victim has received assistance pursuant to that program, or may pay the victim directly. The sentencing court shall be provided a record of the payments made to the victims and of the payments deposited to the Restitution Fund pursuant to this subdivision.

(e) The secretary shall deduct and retain from the wages and trust account deposits of a prisoner, unless prohibited by federal law, an administrative fee that totals 10 percent of any amount transferred to the California Victim Compensation and Government Claims Board pursuant to subdivision (a) or (c). The secretary shall deduct and retain from any prisoner settlement or trial award, an administrative fee that totals 5 percent of any amount paid from

1 the settlement or award to satisfy an outstanding restitution order
2 or fine pursuant to subdivision (n), unless prohibited by federal
3 law. The secretary shall deposit the administrative fee moneys in
4 a special deposit account for reimbursing administrative and
5 support costs of the restitution program of the Department of
6 Corrections and Rehabilitation. The secretary, at his or her
7 discretion, may retain any excess funds in the special deposit
8 account for future reimbursement of the department's
9 administrative and support costs for the restitution program or may
10 transfer all or part of the excess funds for deposit in the Restitution
11 Fund.

12 (f) When a prisoner is punished by imprisonment in a county
13 jail pursuant to subdivision (h) of Section 1170, the agency
14 designated by the board of supervisors in the county where the
15 prisoner is incarcerated is authorized to deduct and retain from the
16 county jail equivalent of wages and trust account deposits of a
17 prisoner, unless prohibited by federal law, and administrative fee
18 that totals 10 percent of any amount transferred to the California
19 Victim Compensation and Government Claims Board pursuant to
20 subdivision (b) or (d). The agency is authorized to deduct and
21 retain from any prisoner settlement or trial award, an administrative
22 fee that totals 5 percent of any amount paid from the settlement
23 or award to satisfy an outstanding restitution order or fine pursuant
24 to subdivision (n), unless prohibited by federal law. The agency
25 shall deposit the administrative fee moneys in a special deposit
26 account for reimbursing administrative and support costs of the
27 restitution program of the agency. The agency is authorized to
28 retain any excess funds in the special deposit account for future
29 reimbursement of the agency's administrative and support costs
30 for the restitution program or may transfer all or part of the excess
31 funds for deposit in the Restitution Fund.

32 (g) In any case in which a parolee owes a restitution fine
33 imposed pursuant to subdivision (a) of Section 13967 of the
34 Government Code, as operative prior to September 28, 1994,
35 subdivision (b) of Section 730.6 of the Welfare and Institutions
36 Code, or subdivision (b) of Section 1202.4, the secretary, or, when
37 a prisoner is punished by imprisonment in a county jail pursuant
38 to subdivision (h) of Section 1170, the agency designated by the
39 board of supervisors in the county where the prisoner is
40 incarcerated, may collect from the parolee any moneys owing on

1 the restitution fine amount, unless prohibited by federal law. The
2 secretary or the agency shall transfer that amount to the California
3 Victim Compensation and Government Claims Board for deposit
4 in the Restitution Fund in the State Treasury. Any amount so
5 deducted shall be credited against the amount owing on the fine.
6 The sentencing court shall be provided a record of the payments.

7 (h) In any case in which a parolee owes a direct order of
8 restitution, imposed pursuant to subdivision (c) of Section 13967
9 of the Government Code, as operative prior to September 28, 1994,
10 subdivision (h) of Section 730.6 of the Welfare and Institutions
11 Code, or paragraph (3) of subdivision (a) of Section 1202.4, the
12 secretary, or, when a prisoner is punished by imprisonment in a
13 county jail pursuant to subdivision (h) of Section 1170, the agency
14 designated by the board of supervisors in the county where the
15 prisoner is incarcerated *or a local collection program*, may collect
16 from the parolee *or person previously imprisoned in county jail*
17 any moneys owing, unless prohibited by federal law. The secretary
18 or the agency shall transfer that amount to the California Victim
19 Compensation and Government Claims Board for direct payment
20 to the victim, or payment shall be made to the Restitution Fund to
21 the extent that the victim has received assistance pursuant to that
22 program. The sentencing court shall be provided a record of the
23 payments made by the offender pursuant to this subdivision.

24 (i) The secretary, or, when a prisoner is punished by
25 imprisonment in a county jail pursuant to subdivision (h) of Section
26 1170, the agency designated by the board of supervisors in the
27 county where the prisoner is incarcerated, may deduct and retain
28 from any moneys collected from parolees an administrative fee
29 that totals 10 percent of any amount transferred to the California
30 Victim Compensation and Government Claims Board pursuant to
31 subdivision (g) or (h), unless prohibited by federal law. The
32 secretary shall deduct and retain from any settlement or trial award
33 of a parolee an administrative fee that totals 5 percent of any
34 amount paid from the settlement or award to satisfy an outstanding
35 restitution order or fine pursuant to subdivision (n), unless
36 prohibited by federal law. The agency is authorized to deduct and
37 retain from any settlement or trial award of a parolee an
38 administrative fee that totals 5 percent of any amount paid from
39 the settlement or award to satisfy an outstanding restitution order
40 or fine pursuant to subdivision (n). The secretary or the agency

1 shall deposit the administrative fee moneys in a special deposit
2 account for reimbursing administrative and support costs of the
3 restitution program of the Department of Corrections and
4 Rehabilitation or the agency, as applicable. The secretary, at his
5 or her discretion, or the agency may retain any excess funds in the
6 special deposit account for future reimbursement of the
7 department's or agency's administrative and support costs for the
8 restitution program or may transfer all or part of the excess funds
9 for deposit in the Restitution Fund.

10 (j) When a prisoner has both a restitution fine and a restitution
11 order from the sentencing court, the Department of Corrections
12 and Rehabilitation shall collect the restitution order first pursuant
13 to subdivision (c).

14 (k) When a prisoner is punished by imprisonment in a county
15 jail pursuant to subdivision (h) of Section 1170 and that prisoner
16 has both a restitution fine and a restitution order from the
17 sentencing court, if the agency designated by the board of
18 supervisors in the county where the prisoner is incarcerated collects
19 the fine and order, the agency shall collect the restitution order
20 first pursuant to subdivision (d).

21 (l) When a parolee has both a restitution fine and a restitution
22 order from the sentencing court, the Department of Corrections
23 and Rehabilitation, or, when the prisoner is punished by
24 imprisonment in a county jail pursuant to subdivision (h) of Section
25 1170, the agency designated by the board of supervisors in the
26 county where the prisoner is incarcerated, may collect the
27 restitution order first, pursuant to subdivision (h).

28 (m) If an inmate is housed at an institution that requires food
29 to be purchased from the institution canteen for unsupervised
30 overnight visits, and if the money for the purchase of this food is
31 received from funds other than the inmate's wages, that money
32 shall be exempt from restitution deductions. This exemption shall
33 apply to the actual amount spent on food for the visit up to a
34 maximum of fifty dollars (\$50) for visits that include the inmate
35 and one visitor, seventy dollars (\$70) for visits that include the
36 inmate and two or three visitors, and eighty dollars (\$80) for visits
37 that include the inmate and four or more visitors.

38 (n) Any compensatory or punitive damages awarded by trial or
39 settlement to any inmate, parolee, person placed on postrelease
40 community supervision pursuant to Section 3451, or defendant on

1 mandatory supervision imposed pursuant to subparagraph (B) of
2 paragraph (5) of subdivision (h) of Section 1170, in connection
3 with a civil action brought against any federal, state, or local jail,
4 prison, or correctional facility, or any official or agent thereof,
5 shall be paid directly, after payment of reasonable attorney's fees
6 and litigation costs approved by the court, to satisfy any
7 outstanding restitution orders or restitution fines against that
8 person. The balance of any award shall be forwarded to the payee
9 after full payment of all outstanding restitution orders and
10 restitution fines, subject to subdivisions (e) and (i). The Department
11 of Corrections and Rehabilitation shall make all reasonable efforts
12 to notify the victims of the crime for which that person was
13 convicted concerning the pending payment of any compensatory
14 or punitive damages. For any prisoner punished by imprisonment
15 in a county jail pursuant to subdivision (h) of Section 1170, the
16 agency is authorized to make all reasonable efforts to notify the
17 victims of the crime for which that person was convicted
18 concerning the pending payment of any compensatory or punitive
19 damages.

20 (o) (1) Amounts transferred to the California Victim
21 Compensation and Government Claims Board for payment of
22 direct orders of restitution shall be paid to the victim within 60
23 days from the date the restitution revenues are received by the
24 California Victim Compensation and Government Claims Board.
25 If the restitution payment to a victim is less than fifty dollars (\$50),
26 then payment need not be forwarded to that victim until the
27 payment reaches fifty dollars (\$50) or until 180 days from the date
28 the first payment is received, whichever occurs sooner.

29 (2) In any case in which a victim cannot be located, the
30 restitution revenues received by the California Victim
31 Compensation and Government Claims Board on behalf of the
32 victim shall be held in trust in the Restitution Fund until the end
33 of the state fiscal year subsequent to the state fiscal year in which
34 the funds were deposited or until the time that the victim has
35 provided current address information, whichever occurs sooner.
36 Amounts remaining in trust at the end of the specified period of
37 time shall revert to the Restitution Fund.

38 (3) (A) Any victim failing to provide a current address within
39 the period of time specified in paragraph (2) may provide
40 documentation to the Department of Corrections and Rehabilitation

1 which in turn shall verify that moneys were in fact collected on
2 behalf of the victim. Upon receipt of that verified information from
3 the Department of Corrections and Rehabilitation, the California
4 Victim Compensation and Government Claims Board shall transmit
5 the restitution revenues to the victim in accordance with the
6 provisions of subdivision (c) or (h).

7 (B) Any victim failing to provide a current address within the
8 period of time specified in paragraph (2) may provide
9 documentation to the agency designated by the board of supervisors
10 in the county where the prisoner punished by imprisonment in a
11 county jail pursuant to subdivision (h) of Section 1170 is
12 incarcerated, which in turn may verify that moneys were in fact
13 collected on behalf of the victim. Upon receipt of that verified
14 information from the agency, the California Victim Compensation
15 and Government Claims Board shall transmit the restitution
16 revenues to the victim in accordance with the provisions of
17 subdivision (d) or (h).

18 SEC. 4. Section 19280 of the Revenue and Taxation Code is
19 amended to read:

20 19280. (a) (1) Fines, state or local penalties, bail, forfeitures,
21 restitution fines, restitution orders, or any other amounts imposed
22 by a juvenile or superior court of the State of California upon a
23 person or any other entity that are due and payable in an amount
24 totaling no less than one hundred dollars (\$100), in the aggregate,
25 for criminal offenses, including all offenses involving a violation
26 of the Vehicle Code, and any amounts due pursuant to Section
27 903.1 of the Welfare and Institutions Code may, no sooner than
28 90 days after payment of that amount becomes delinquent, be
29 referred by the juvenile or superior court, the county, or the state
30 to the Franchise Tax Board for collection under guidelines
31 prescribed by the Franchise Tax Board. Unless the victim of the
32 crime notifies the Department of Corrections and Rehabilitation
33 to the contrary, the Department of Corrections and Rehabilitation
34 may refer a restitution order to the Franchise Tax Board, in
35 accordance with subparagraph (B) of paragraph (2), for any person
36 subject to the restitution order who is or has been under the
37 jurisdiction of the Department of Corrections and Rehabilitation.

38 (2) For purposes of this subdivision:

39 (A) The amounts referred by the juvenile or superior court, the
40 county, or the state under this section may include an administrative

1 fee and any amounts that a government entity may add to the
2 court-imposed obligation as a result of the underlying offense,
3 trial, or conviction. For purposes of this article, those amounts
4 shall be deemed to be imposed by the court.

5 (B) Restitution orders may be referred to the Franchise Tax
6 Board only by a government entity, as agreed upon by the
7 Franchise Tax Board, provided that all of the following apply:

8 (i) The government entity has the authority to collect on behalf
9 of the state or the victim.

10 (ii) The government entity shall be responsible for distributing
11 the restitution order collections, as appropriate.

12 (iii) The government entity shall ensure, in making the referrals
13 and distributions, that it coordinates with any other related
14 collection activities that may occur by superior courts, counties,
15 or other state agencies.

16 (iv) The government entity shall ensure compliance with laws
17 relating to the reimbursement of the State Restitution Fund.

18 (C) The Franchise Tax Board shall establish criteria for referral,
19 which shall include setting forth a minimum dollar amount subject
20 to referral and collection.

21 (b) The Franchise Tax Board, in conjunction with the Judicial
22 Council, shall seek whatever additional resources are needed to
23 accept referrals from all 58 counties or superior courts.

24 (c) Upon written notice to the debtor from the Franchise Tax
25 Board, any amount referred to the Franchise Tax Board under
26 subdivision (a) and any interest thereon, including any interest on
27 the amount referred under subdivision (a) that accrued prior to the
28 date of referral, shall be treated as final and due and payable to the
29 State of California, and shall be collected from the debtor by the
30 Franchise Tax Board in any manner authorized under the law for
31 collection of a delinquent personal income tax liability, including,
32 but not limited to, issuance of an order and levy under Article 4
33 (commencing with Section 706.070) of Chapter 5 of Division 2
34 of Title 9 of Part 2 of the Code of Civil Procedure in the manner
35 provided for earnings withholding orders for taxes.

36 (d) (1) Part 10 (commencing with Section 17001), this part,
37 Part 10.7 (commencing with Section 21001), and Part 11
38 (commencing with Section 23001) shall apply to amounts referred
39 under this article in the same manner and with the same force and
40 effect and to the full extent as if the language of those laws had

1 been incorporated in full into this article, except to the extent that
2 any provision is either inconsistent with this article or is not
3 relevant to this article.

4 (2) Any information, information sources, or enforcement
5 remedies and capabilities available to the court or the state referring
6 to the amount due described in subdivision (a), shall be available
7 to the Franchise Tax Board to be used in conjunction with, or
8 independent of, the information, information sources, or remedies
9 and capabilities available to the Franchise Tax Board for purposes
10 of administering Part 10 (commencing with Section 17001), this
11 part, Part 10.7 (commencing with Section 21001), or Part 11
12 (commencing with Section 23001).

13 (e) The activities required to implement and administer this part
14 shall not interfere with the primary mission of the Franchise Tax
15 Board to administer Part 10 (commencing with Section 17001)
16 and Part 11 (commencing with Section 23001).

17 (f) For amounts referred for collection under subdivision (a),
18 interest shall accrue at the greater of the rate applicable to the
19 amount due being collected or the rate provided under Section
20 19521. When notice of the amount due includes interest and is
21 mailed to the debtor and the amount is paid within 15 days after
22 the date of notice, interest shall not be imposed for the period after
23 the date of notice.

24 (g) In no event shall a collection under this article be construed
25 as a payment of income taxes imposed under Part 10 (commencing
26 with Section 17001) or Part 11 (commencing with Section 23001).